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UNITED STATES DISTRICT COURT

STATE OF UTAH

<p>ELANORE TILLACK AND ED TILLACK,</p> <p>Plaintiff,</p> <p>vs.</p> <p>FORD MOTOR COMPANY, dba LINCOLN MOTOR COMPANY; FORD MOTOR SERVICE COMPANY; BLUFF STREET AUTO BROKERS, LLC; TAKATA CORPORATION aka TAKATA PROTECTION SYSTEMS INC. TKJP; TAKATA KYUSHU CORPORATION; TAKATA SERVICE CORPORATION, acquired in part by KEY SAFETY SYSTEMS (KSS) aka Joyson Safety Systems, Joyson Safety Systems Acquisitions, LLC; and JOHN DOE CORPORATIONS 1-5,</p> <p>Defendants.</p>	<p>NOTICE OF REMOVAL OF A CIVIL ACTION FROM STATE COURT TO FEDERAL COURT</p> <p>(Removed from the Sixth Judicial District Court in and for Sanpete County, State of Utah, Case No. 210600084)</p> <p>Civil No. 4:22-cv-00068</p> <p>Magistrate Judge Paul Kohler</p>
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TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants Ford Motor Company (“Ford”) and Ford Motor Service Company (“FMSC”) file this Notice of Removal of the above-captioned action from the

Sixth Judicial District Court of Utah, Sanpete County, Manti. In support of this Notice of Removal, Ford and FMSC state:

I. PROCEDURAL HISTORY

1. On or about December 30, 2021, this action was commenced by Plaintiffs Elanore Tillack and Ed Tillack (collectively “Plaintiffs”) against: Ford Motor Company, dba Lincoln Motor Company; Ford Motor Service Company; Bluff Street Auto Brokers, LLC; Takata Corporation aka Takata Protection Systems Inc., TKJP; Takata Kyushu Corporation; Takata Service Corporation acquired in part by Key Safety Systems (KSS); and John Doe Corporations 1-5 (collectively “Defendants”).

2. On March 15, 2022, Plaintiffs filed an Amended Complaint against Defendants, modifying the entity name for Defendant Key Safety Systems (KSS) to “Key Safety Systems (KSS) aka Joyson Safety Systems,”, and adding Joyson Safety Systems Acquisitions, LLC, as a new Defendant. Plaintiffs’ Amended Complaint asserts causes of action for (1) Negligence (Against All Defendants), (2) Products Liability Negligence (Against All Defendants), (3) Strict Liability under Section 402 of the Restatement (Second) of Torts (Against All Defendants), (4) Violation of Statute (Against All Defendants), (5) Failure to Warn (Against All Defendants), (6) Breach of Express Warranty (Against All Defendants), (7) Breach of Implied Warranty for a Particular Purpose and Merchantability (Against All Defendants), and (8) Negligent Misrepresentation (Against All Defendants).

3. Ford filed an Answer on April 11, 2022 and an amended answer and Crossclaim for apportionment of fault against Defendant Bluff Street Auto Brokers, LLC, on May 2, 2022. Ford Service Motor Company filed an answer on September 14, 2022.

4. On August 22, 2022, Plaintiffs and Ford filed a Stipulated Motion to Dismiss without Prejudice: 1) Key Safety Systems (KSS) AKA Joyson Safety Systems, Joyson Safety systems acquisitions, LLC, and Bluff Street Auto Brokers, LLC, and 2) Defendant Ford Motor Company's Crossclaim against Defendant Bluff Street Auto Brokers.

5. On August 23, 2022, the Utah district court granted the Stipulated Motion to Dismiss which dismissed the non-diverse defendants in the state court case.

6. Accordingly, the remaining defendants in the case are Ford, Ford Motor Service Company, Takata Corporation aka Takata Protection Systems Inc. TKJP, and Takata Kyushu Corporation.

7. No proof of service for Takata Corporation aka Takata Protection Systems Inc. TKJP, and Takata Kyushu Corporation has been filed on the state court docket and no answer has been filed in the state court action on behalf of those entities.

8. The following pleadings and other documents have been filed in the State Court case, and are attached, along with the State Court docket, hereto as Exhibit "A": Complaint; Amended Complaint; Returns of Service for Ford Motor Company, Ford Motor Service Company, Lincoln Motor Company, Bluff Street Auto Brokers, L.L.C., Joyson Safety Systems Acquisition LLC; Answer of Defendant Ford Motor Company; Notice of Event Due Dates; Amended Answer of Defendant Ford Motor Company and Crossclaim for Apportionment of Fault Against Defendant Bluff Street Auto Brokers, LLC; Certificate of Service for Plaintiffs Initial Disclosures; Certificate of Service of Defendant Ford Motor Company's Initial Disclosures; Motion to Dismiss without Prejudice; and Order Granting Dismissal without Prejudice 1) Key Safety Systems (KSS) AKA Joyson Safety Systems, Joyson Safety systems acquisitions, LLC, and Bluff Street Auto Brokers,

LLC, and 2) Defendant Ford Motor Company's Crossclaim against Defendant Bluff Street Auto Brokers; and Answer of Ford Motor Service Company.

II. BASIS FOR REMOVAL

9. Ford bases its removal on diversity jurisdiction pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. This removal is timely, the procedural requirements for removal are satisfied, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a).

10. Removal of this action is proper under 28 U.S.C. §§ 1441. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) as it is a civil action between citizens of different states in which the amount-in-controversy exceeds the sum of \$75,000, exclusive of interests and costs.

11. Pursuant to 28 U.S.C. § 1446(a), venue is proper in the District of Utah because this district embraces the place in which the removed action has been pending.

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the Second Judicial District Court of Utah, County of Sanpete, Manti, promptly after filing of same in this Court.

13. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice of Removal will be given to all adverse parties promptly after the filing of same in this Court.

14. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of Ford's right to assert defenses including but not limited to, any defenses that may be asserted pursuant to Fed. R. Civ. P. 12.

A. Removal is Timely.

15. Removal is timely because it is made within 1 year after commencement of the

action and Ford has filed the Notice of Removal within 30 days from the time the state court dismissed the non-diverse defendants from the action. 28 U.S.C. § 1446(b)(1).

B. Diversity of Citizenship Exists Between Plaintiffs and Ford and Ford Motor Service Company.

16. Plaintiffs are, and were at the time of filing of the Complaint, citizens of Utah. *See* Am. Compl. ¶ 1.

17. Both Ford and Ford Motor Service Company are Delaware companies with their principal places of business in Michigan. *See* 28 U.S.C. § 1332(c)(1) (“[A] corporation shall be deemed to be a citizen of every State . . . by which it has been incorporated and of the State . . . where its principal place of business.”). Accordingly, neither of these defendants is a citizen of Utah.

18. Ford and Ford Motor Service Company are the only remaining defendants in this action who have been served and consent to removal.

19. Accordingly, for the reasons stated above, there is complete diversity of citizenship.

C. The Amount in Controversy exceeds \$75,000.

20. The amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332.

21. Plaintiffs’ Amended Complaint asserts that they that they are seeking past, present, and future medical damages in an amount not less that \$245,000, consequential damages in an amount not less than \$300,000, and general damages in an amount not less than \$1,000,000. *See* Am. Compl., ¶¶ 38-39.

22. Accordingly, the amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332.

IV. CONCLUSION

23. For the reasons stated above, Ford and FMSC respectfully remove this matter from the Sixth Judicial District, Sanpete County, Manti, to this Court for determination of all issues in accordance with the provisions of 28 U.S.C. §§ 1331, 1332 and 1441(a) and (b).

DATED this 14th day of September, 2022.

SNELL & WILMER L.L.P.

By: /s/ Tracy H. Fowler

Tracy H. Fowler

Elisabeth M. McOmber

Aline Marie H. Longstaff

Attorneys for Defendant Ford Motor

Company and Ford Motor Service Company

CERTIFICATE OF SERVICE

This is to certify that on the 14th day of September, 2022, a true and correct copy of Defendants Ford Motor Company and Ford Motor Service Company's Notice of Removal to Federal Court was served via U.S. Mail to all counsel of record, and also filed via the Court's efilings system, which effectuated service upon all counsel of record, including the following:

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